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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 MICRON TECHNOLOGY INC.,

13 Plaintiff,

14 v.

15 UNITED MICROELECTRONICS  
16 CORPORATION, FUJIAN JINHUA  
17 INTEGRATED CIRCUIT CO., LTD., and  
DOES 1-10,

18 Defendants.

19 UNITED STATES OF AMERICA,

20 Plaintiff,

21 v.

22 UNITED MICROELECTONICS  
23 CORPORATION, INC.; FUJIAN JINHUA  
24 INTEGRATED CIRCUIT, CO., LTD.; CHEN  
ZHENGKUN, a.k.a. STEPHEN CHEN; HE  
JIANTING, a.k.a. J.T. HO; and WANG  
YUNGMIN, a.k.a. KENNY WANG.

25 Defendants.

**FILED**

OCT 12 2018

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

) CASE NO. CR 17-6932 MMC

) CASE NO. CR 18-465 LHK

) UNITED STATES' EX PARTE FILING OF A  
NOTICE OF RELATED CASE

) ~~FILED EX PARTE AND UNDER SEAL~~

26 Pursuant to Local Criminal Rule 8-1, the United States submits this Notice of Related Case,  
27 giving notice that the civil case of *Micron Technology Inc. v. United Microelectronics Corp.*, Case No.  
28 CR 17-6932 MMC, filed on December 5, 2017, and assigned initially to Hon. Jeffrey S. White and

1 reassigned to the Hon. Maxine M. Chesney (**Attachment A** (complaint without attached exhibits)), is  
2 related to the *under seal* criminal case of *United States v. United Microelectronics Corp., Inc.*, Case No.  
3 CR 18-465 LHK, filed on September 27, 2018 and assigned to the Hon. Lucy H. Koh (**Attachment B**).

4 The civil suit that Micron filed alleges that United Microelectronics Corporation ("UMC"),  
5 Fujian Jinhua Integrated Circuit Co. Ltd. ("Fujian Jinhua"), and Does 1-10, violated the Defend Trade  
6 Secrets Act, the civil provisions of the Racketeer Influenced and Corrupt Organizations Act (RICO), and  
7 California's Uniform Trade Secrets Act. The civil suit alleges that, since at least the fall of 2015, UMC  
8 and the founders of Fujian Jinhua developed and set in motion a plan for UMC to recruit key personnel  
9 from Micron's Taiwan Subsidiary (Micron Memory Taiwan, "MMT") to misappropriate electronic and  
10 paper files containing Micron trade secrets related to Dynamic Random Access Memory (DRAM) from  
11 MMT, and to deliver those trade secrets to UMC. The complaint alleged that UMC incorporated  
12 Micron's trade secrets into technologies that it transferred to Fujian Jinhua to enable Fujian Jinhua to  
13 mass produce advanced DRAM products. The complaint alleges that the participants in the conspiracy  
14 went to great lengths to hide and cover up their plan, including by: "lying to human resources personnel  
15 when exiting Micron; lying to Taiwanese criminal investigators; using software tools to wipe electronic  
16 evidence; and even attempting to destroy or hide incriminating materials from Taiwanese criminal  
17 authorities while the authorities were in the middle of executing a search warrant at UMC." See Micron  
18 Complaint, Doc. 1. The civil complaint alleged that Stephen Chen, J.T. Ho, Kenny Wang, and others,  
19 were co-conspirators and that each was an agent, conspirator, and aider or abetter of UMC and/or Fujian  
20 Jinhua.

21 The criminal indictment concerns one or more of the same defendants and events as described in  
22 Micron's civil suit. The named defendants in the criminal case are UMC, Fujian Jinhua, Stephen Chen,  
23 J.T. Ho, and Kenny Wang. On September 27, 2018, the Grand Jury returned a seven count indictment  
24 charging the defendants with conspiracy to commit economic espionage, in violation of 18 U.S.C. §  
25 1831(a)(5), and conspiracy to commit theft of trade secrets, in violation of 18 U.S.C. § 1832(a)(5). The  
26 indictment charges, with respect to Kenny Wang and J.T. Ho, substantive counts of economic espionage  
27 and/or theft of trade secrets. Finally, the indictment charges all defendants with receipt and possession  
28 of stolen trade secrets for the benefit of a foreign instrumentality, in violation of 18 U.S.C. § 1831(a)(3).

1 The indictment concerns the same events as described in Micron's civil complaint: The theft of  
2 Micron's trade secrets pertaining to the design and production of DRAM by former MMT employees,  
3 who took those trade secrets to work at UMC, and who, in turn, provided DRAM technology, based on  
4 stolen Micron technology, to Fujian Jinhua.

5 The United States notes that "[b]oth actions concern one ore more of the same defendants and  
6 the same alleged events, occurrences, transactions, or property" under Local Criminal Rule 8-1(b)(1),  
7 and "[b]oth actions appear likely to entail substantial duplication of labor if heard by different judges or  
8 might create conflicts and unnecessary expenses if conducted before different Judges." Crim. L.R. 8-  
9 1(b)(1) and (b)(2). For example, currently pending before Judge Chesney in the civil action is UMC's  
10 motion to dismiss for lack of personal jurisdiction. The government anticipates that similar  
11 jurisdictional and venue-related issues will be presented to the Court in connection with the criminal  
12 action. Having a single judge preside over legal issues such as jurisdiction, venue, discovery matters  
13 that may arise, among others, will conserve judicial resources, reduce the possibility of conflicting  
14 rulings on similar issues, and promote an efficient determination of both actions.

15  
16 DATED: October 9, 2018

Respectfully submitted,

ALEX G. TSE  
United States Attorney

*John H. Hemann*


\_\_\_\_\_  
JOHN H. HEMANN  
SHIAO C. LEE  
Assistant United States Attorneys

~~PROPOSED~~ ORDER

For the reasons stated in the Notice of Related Case and for good cause shown, the above-referenced cases shall be related by the Clerk. For good cause shown, it is hereby ordered that the Notice of Related Case, this Order, and all other related documents to the Notice of Related Case be filed under seal until further order of this Court.

IT IS SO ORDERED.

DATED: October 12, 2018

  
HON. MAXINE M. CHESNEY  
United States Senior District Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

UNITED MICROELECTRONICS  
CORPORATION,

Defendant.

Case No. 18-cr-00465-LHK-1 (MMC)

\*SEALED\*

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 10/12/2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's office.

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Dated: 10/12/2018

Susan Y. Soong  
Clerk, United States District Court

By: Tracy Geiger

Tracy Geiger, Deputy Clerk to the  
Honorable MAXINE M. CHESNEY